E4bdramp Plea 1 UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK 2 3 UNITED STATES OF AMERICA, New York, N.Y. 13 Cr. 0600(ER) 4 V. 5 GARY RAMIS, 6 Defendant. 7 -----x 8 April 11, 2014 9 10:00 a.m. 10 Before: 11 HON. EDGARDO RAMOS, 12 District Judge 13 APPEARANCES 14 15 PREET BHARARA United States Attorney for the 16 Southern District of New York BY: JENNIFER BURNS 17 Assistant United States Attorney 18 MERINGOLO & ASSOCIATES, P.C. Attorneys for Defendant 19 BY: JOHN C. MERINGOLO ANJELICA CAPPELLINO 20 JOHN BUZA 21 22 23 24 25

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1	THE CLERK: In the matter of the United States of
2	America against Gary Ramis.
3	Counsel, please state your name for the record.
4	MS. BURNS: Jennifer Burns for the government.
5	Good morning, your Honor.
6	THE COURT: Good morning.
7	MR. MERINGOLO: Good morning, your Honor. John
8	Meringolo for Mr. Ramis. At counsel table I have my associate
9	Anjelica Cappellino and John Buza and he is an attorney also.
10	THE COURT: Good morning to you all.
11	Good morning to you, Mr. Ramis.
12	THE DEFENDANT: Good morning, your Honor.
13	THE COURT: So what are we doing here today, folks?
14	Mr. Meringolo?
15	MR. MERINGOLO: Your Honor, at this particular time we
16	have entered into a plea agreement with the government.
17	THE COURT: OK.
18	MR. MERINGOLO: We withdraw the previously entered
19	plea of not guilty, and we intend, pursuant to the Court's
20	questions, to enter a plea of guilty.
21	THE COURT: Very well.
22	Mr. Ramis, your attorney has indicated that you wish
23	to plead guilty pursuant to an agreement with the government.
24	I am happy to take your plea. However, before I do that, I

need to ask you a series of questions and through those

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questions I am trying to establish two things, basically. The first thing I'm trying to establish is that you understand what is going on here today and the consequences of taking a plea, the punishment that you face, etc., and the other thing that I'm trying to determine is whether you are in fact guilty of the crimes to which you wish to plead guilty.

So in response to my questions, it is obviously very important that you be absolutely truthful. So I am going to have you placed under oath. OK?

THE DEFENDANT: Yes.

THE CLERK: Please rise. Raise your right hand.

(The defendant was sworn)

THE CLERK: Please be seated.

THE COURT: Mr. Ramis, you are now under oath. And, sir, do you understand that if you answer any of my questions falsely, your answers could be used against you in a prosecution for perjury or for making a false statement?

THE DEFENDANT: Yes, your Honor.

THE COURT: OK. Now, like I said, I'm going to ask you a series of questions. And if you do not understand any question that I ask or if you wish to consult with your attorney for any reason before answering a question, just please let me know and I will either rephrase my question and give you an opportunity to speak with your attorney. OK?

THE DEFENDANT: Yes, sir.

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1	THE COURT: So what is your full name?
2	THE DEFENDANT: Gary Leigh Ramis.
3	THE COURT: Sir, how old are you?
4	THE DEFENDANT: 53.
5	THE COURT: How far did you get in school?
6	THE DEFENDANT: High school.
7	THE COURT: Are you able to read and write in English?
8	THE DEFENDANT: Yes, sir.
9	THE COURT: Sir, are you now or have you recently been
10	under the care of a doctor or psychiatrist?
11	THE DEFENDANT: Yes, sir.
12	THE COURT: Which?
13	THE DEFENDANT: Both.
14	THE COURT: Are you currently under any medication?
15	THE DEFENDANT: Yeah, for back pain.
16	THE COURT: What medication is that?
17	THE DEFENDANT: Honestly, I couldn't answer.
18	THE COURT: OK. And how often do you take it?
19	THE DEFENDANT: Every day.
20	THE COURT: Does that medication affect your ability
21	to think?
22	THE DEFENDANT: No, sir.
23	THE COURT: Have you ever been treated or hospitalized
24	for any mental illness or any type of addiction, including drug
25	or alcohol addiction?

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1	THE DEFENDANT: Yes, sir.
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2	THE COURT: And which of those?
3	THE DEFENDANT: Drug addiction.
4	THE COURT: And when, approximately, did you undergo
5	that therapy?
6	THE DEFENDANT: 1970s mid-'70s.
7	THE COURT: OK. So some time ago?
8	THE DEFENDANT: Yes, sir.
9	THE COURT: OK. And, sir, in the last 24 hours, other
10	than the drug for your pain, your back pain that you are
11	taking, have you taken any other drugs, medicine or pills or
12	have you consumed any alcohol?
13	THE DEFENDANT: No, sir.
14	THE COURT: Is your mind clear today?
15	THE DEFENDANT: Yes, sir.
16	THE COURT: And are you feeling well enough to proceed
17	and to understand what is going on here today?
18	THE DEFENDANT: Yes, sir.
19	THE COURT: Now, your attorney has informed me that
20	you wish to plead guilty pursuant to an agreement with the
21	government. Is that correct?
22	THE DEFENDANT: Yes, sir.
23	THE COURT: And, Mr. Ramis, have you had a full
24	opportunity to discuss your case with Mr. Meringolo?
25	THE DEFENDANT: Yes, sir.

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1 THE COURT: Including any possible defenses that you 2 might have? 3 THE DEFENDANT: Yes, I have. 4 THE COURT: And are you satisfied with Mr. Meringolo 5 and his representation of you? 6 THE DEFENDANT: Yes, sir. 7 THE COURT: And have you had a full opportunity to discuss with him the consequences of entering a guilty plea? 8 9 THE DEFENDANT: Yes, sir. 10 THE COURT: Mr. Meringolo, do you have any doubt as to 11 Mr. Ramis' competence to enter a guilty plea at this time? 12 MR. MERINGOLO: No, your Honor. 13 THE COURT: Ms. Burns? 14 MS. BURNS: Based on what I have heard today, no, your 15 Honor. THE COURT: OK. On the basis of the defendant's 16 17 responses to my questions and my observations of his demeanor, 18 I find that he is fully competent to enter an informed guilty 19 plea at this time. 20 So, Mr. Ramis, the first series of questions that I 21 want to go over with you involve the rights that you will be 22 giving up if you enter a plea of guilty. OK? 23 THE DEFENDANT: Yes, sir. 24 THE COURT: Now, sir, you have the right to be 25 represented by an attorney at trial and at every other stage of

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the proceeding. If you could not afford an attorney, an attorney would be appointed to represent you without cost to you. Do you understand?

THE DEFENDANT: Yes, sir.

THE COURT: You have a right to a speedy and public trial by a jury on the charges against you. Do you understand?

THE DEFENDANT: Yes, sir.

THE COURT: At trial you would be presumed innocent and the government will be required to prove you guilty by competent evidence beyond a reasonable doubt before you could be found guilty. You would not have to prove that you were innocent at trial. Do you understand?

THE DEFENDANT: Yes, sir.

THE COURT: If there were a jury trial, the jury would be composed of 12 people selected from this district and all 12 would have to agree unanimously that you were guilty before you could be found guilty. Do you understand?

THE DEFENDANT: Yes, sir.

THE COURT: At trial you would have the right to see and hear all of the witnesses against you and your attorney could cross-examine them. Do you understand?

THE DEFENDANT: Yes, sir.

THE COURT: Your attorney could object to the government's evidence and offer evidence on your behalf. You would also have the right to have subpoenas issued to compel

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witnesses to comes to court to testify in your defense. 1 2 Do you understand? 3 THE DEFENDANT: Yes, sir.

THE COURT: At trial you would have the right to testify if you wanted to, but no one could force you to testify. And if you chose not to testify, I would tell the jury that it could not hold that against you. Do you understand?

THE DEFENDANT: Yes, sir.

THE COURT: If you were convicted at trial, you would have the right to appeal that verdict. Do you understand? THE DEFENDANT: Yes, sir.

THE COURT: And do you also understand that by entering a plea of guilty here today, you are giving up all of the rights that I've just described, except for your right to counsel, and you will be found guilty based on your plea of quilty?

THE DEFENDANT: Yes, sir, I do.

THE COURT: Sir, do you understand that you can change your mind right now for any reason and decide not to enter a guilty plea?

THE DEFENDANT: Yes, sir.

THE COURT: Sir, have you received a copy of the Superseding Indictment?

THE DEFENDANT: Yes, I have.

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THE COURT: And have you read it?

THE DEFENDANT: Yes, sir.

THE COURT: Have you discussed it with your attorney?

THE DEFENDANT: Yes, I have.

THE COURT: And do you understand that in Count One of that Superseding Indictment you are charged with conspiring to distribute and possess with intent to distribute 100 kilograms and more of marijuana?

THE DEFENDANT: Yes, sir.

THE COURT: Ms. Burns, what are the elements of the offense charged in Count One of the Superseding Indictment?

MS. BURNS: Count One charges a narcotics conspiracy. The elements are, first, that there was such a conspiracy or agreement between two or more persons to violate the federal narcotics laws; second, that the defendant wilfully joined this conspiracy or agreement; and, third, that here, as charged, the objective was to distribute and possess with intent to distribute 100 kilograms and more of marijuana.

THE COURT: Thank you.

Mr. Ramis, did you hear what the prosecutor just said?

THE DEFENDANT: Yes, I did.

THE COURT: And, sir, do you understand that if you did not plead guilty to Count One, the government would have to prove each and every one of those elements beyond a reasonable doubt to the jury?

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1 THE DEFENDANT: Yes, I do.

THE COURT: And did you discuss with Mr. Meringolo the penalties that you face for pleading guilty to this charge?

THE DEFENDANT: Yes, I have.

THE COURT: And, sir, do you understand that the charge that you are pleading guilty to carries a maximum sentence of 40 years' imprisonment and a mandatory minimum sentence of five years' imprisonment?

THE DEFENDANT: Yes, I do, your Honor.

THE COURT: You do you also understand that the charge carries a maximum term of supervised release of life and a mandatory minimum term of supervised release of four years?

THE DEFENDANT: Yes, sir.

THE COURT: Do you understand that there are also financial penalties that could be imposed, including a fine which is the greatest of \$5 million or twice the gross gain derived from the offense or twice the gross loss to any person other than yourself as a result of the offense?

THE DEFENDANT: Yes, sir.

THE COURT: And do you also realize or did you discuss with Mr. Meringolo that I am required to impose a \$100 special assessment as a result of your plea?

THE DEFENDANT: Yes, sir.

THE COURT: Sir, do you understand that supervised release means that you will be subject to monitoring and

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supervision when you are released from prison?

THE DEFENDANT: Yes, sir.

THE COURT: And that there are terms and conditions of supervised release with which you must comply, and if you do not comply with them you could be returned to prison without a jury trial. Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: And do you understand that if you violate the terms or conditions of supervised release and are returned to prison, that that new prison term could be for part or all of the term of supervised release which I impose and that you will not get credit for any time previously served in prison on this offense or time previously served on supervised release?

THE DEFENDANT: Yes, sir.

THE COURT: And as part of your sentence I can also order restitution to any person injured as a result of your criminal conduct. Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: And, sir, do you understand that if I accept your guilty plea and find you guilty, that determination may deprive you of valuable civil rights such as the right to vote, the right to hold public office, the right to serve on a jury, and the right to possess any kind of firearm? Do you understand that?

THE DEFENDANT: Yes, sir.

E4bdramp Plea 1 THE COURT: Mr. Ramis, are you an American citizen? THE DEFENDANT: I'm sorry. I didn't hear what you 2 3 said. 4 THE COURT: Are you an American citizen? 5 THE DEFENDANT: Yes, sir. 6 THE COURT: OK. The next series of questions that we 7 want to discuss concern the sentencing guidelines. And, Mr. Ramis, do you understand that there are sentencing 8 9 quidelines that I must consider in determining the appropriate 10 sentence in your case? 11 THE DEFENDANT: Yes, sir, I do. 12 THE COURT: And have you talked with Mr. Meringolo 13 about how those guidelines apply to your case? 14 THE DEFENDANT: Yes, sir. 15 THE COURT: And do you understand that I have to calculate the quideline range and I have to consider that range 16 17 in determining what your sentence will be? 18 THE DEFENDANT: Yes, I do. 19 THE COURT: And do you also understand that I will not 20 be able to do that, that is, that I will not be able to make 21 that determination until after a presentence report has been 22 completed by the U.S. Probation Office and both you and your

lawyer and the government have had a chance to review a draft of that report?

> THE DEFENDANT: Yes, sir.

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THE COURT: And do you understand that even after I calculate the guideline range, I have the ability to impose a sentence that is either above or below that range?

THE DEFENDANT: Yes, sir.

THE COURT: And, Mr. Ramis, did you discuss with Mr. Meringolo the law which is known as Title 18, United States Code, Section 3553(a)?

THE DEFENDANT: Yes, sir.

THE COURT: And do you understand that that law requires me to consider a number of other factors about you personally, your history, and about the offense that you've committed or intend to plead guilty to having committed in determining the appropriate sentence in your case? Do you understand that?

THE DEFENDANT: Yes, I do.

THE COURT: And so even after I determine the guidelines, I must also consider these other factors and, again, might settle on a sentence that is either higher or lower than what the guidelines recommend. Do you understand?

THE DEFENDANT: Yes, sir.

THE COURT: And do you understand that if your attorney or anyone else has attempted to estimate or predict for you what your sentence will be, their estimate or prediction could be wrong?

THE DEFENDANT: Yes, sir.

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THE COURT: And so while it is perfectly appropriate for you and your counsel to have discussed how your sentence will be calculated in your case, no one can give you any assurance of what your sentence will be. It is my job to do that, and I cannot determine your sentencing guideline until we've gone through the steps that I've just described. Do you understand?

THE DEFENDANT: Yes, sir, I do.

THE COURT: And so I say all of this to you because you need to understand today that if your sentence is different from what you or your attorney thought, from what your attorney told you it might be, or if it is different from what you expect, or if it is different from what is contained in your plea agreement with the government, you will still be bound by your plea and you will not be allowed to withdraw your guilty plea. Do you understand?

THE DEFENDANT: Yes, I do.

THE COURT: Sir, do you understand that if you are sentenced to prison, there is no parole in the federal system and you will not be released early on parole?

THE DEFENDANT: Yes, I do.

THE COURT: OK. The next thing that I want to discuss with you, Mr. Ramis, is your plea agreement with the government.

I have been handed a letter, dated April 3, 2014. It

E4bdramp Plea is a six-page letter, and it has a series of signatures on page 1 6, including one that purports to be your signature, dated 2 3 today, April 11, 2014. 4 Sir, can you see this document from where you are 5 seated? 6 THE DEFENDANT: Yes, sir. 7 THE COURT: And is that your signature on page 6 of this document? 8 9 THE DEFENDANT: Yes, it is, sir. 10 THE COURT: OK. I will mark this document Court 11 Exhibit No. 1. 12 Mr. Ramis, did you read this agreement before you 13 signed it? 14 THE DEFENDANT: Yes, sir. 15 THE COURT: And did you discuss it with your attorney before you signed it? 16 17 THE DEFENDANT: Yes, I did. 18 THE COURT: And when you signed it, did you fully 19 understand the agreement? 20 THE DEFENDANT: Yes, sir. 21 THE COURT: And, sir, does this agreement contain your 22 complete understanding of the entire agreement between the 23 government and you? 24 THE DEFENDANT: Yes, it does. 25 THE COURT: Is there any other agreement or promise

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with the government about your plea and sentence that is not contained in this agreement?

THE DEFENDANT: No, sir.

THE COURT: Has anyone threatened you or forced you to plead guilty or to enter into this agreement?

THE DEFENDANT: No, sir.

THE COURT: Sir, other than what is in the agreement, has anyone promised you anything or offered you anything in order to plead guilty?

THE DEFENDANT: No, sir.

THE COURT: Has anyone made you any promise as to what your sentence will be?

THE DEFENDANT: No, sir.

THE COURT: Sir, do you understand that there is a stipulation in the plea agreement regarding the Sentencing Guidelines that binds you and that binds the government but it does not bind me?

THE DEFENDANT: Yes, sir, I do.

THE COURT: And do you understand that regardless of what you and the government have agreed to, I am going to make my own determination concerning the guidelines' range?

THE DEFENDANT: Yes, sir.

THE COURT: And do you understand that under certain circumstances both you and the government have the right to appeal any sentence that I might dispose subject to the terms

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1 | of the plea agreement?

THE DEFENDANT: Yes, sir.

THE COURT: And as I understand it, you are waiving a sentence if I sentence you within or below the stipulated range in your agreement, is that correct?

THE DEFENDANT: Yes, sir.

THE COURT: Ms. Burns, would the government please summarize what it would expect to prove if this case were to go to trial?

MS. BURNS: Your Honor, if this case went to trial, the government would prove the defendant's knowing involvement in the narcotics conspiracy. The evidence would include Title III intercepts, consensually made recordings, law enforcement testimony, surveillance videos and photos, as well as other testamentary documents.

THE COURT: Mr. Ramis, did you hear what Ms. Burns just said?

THE DEFENDANT: Yes, I did, sir.

THE COURT: And is it accurate?

THE DEFENDANT: Yes, sir.

THE COURT: And, sir, have you clearly understood everything that has happened here today so far?

THE DEFENDANT: Yes, I have.

THE COURT: Mr. Ramis, would you please tell me in your own words what it was that you did that makes you guilty

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of Count One of the Superseding Indictment? 1 2 THE DEFENDANT: From February 2012 to May 2013, I 3 conspired with others to distribute and possess less than 4 400 kilograms of marijuana. I committed these crimes in the Southern District of New York. I knew what I was doing and it 5 was wrong and illegal. 6 7 I apologize to the Court and I am sorry for my 8 actions. 9 THE COURT: Mr. Ramis, when you did these acts, did 10 you know that what you were doing was wrong and against the law? 11 THE DEFENDANT: Yes, sir, I did. 12 13 THE COURT: Did anyone threaten you or coerce you to 14 do those things? 15 THE DEFENDANT: No, sir. THE COURT: Ms. Burns, would you wish me to make any 16 17 further inquiries? 18 MS. BURNS: I just want to make sure I heard it 19 correctly. The amount was less than 400 kilograms? 20 THE COURT: I believe he said less than 400 kilograms. 21 MR. MERINGOLO: He did, your Honor. 22 MS. BURNS: Thank you. I have no other questions. 23 THE COURT: Very well. 24 Mr. Meringolo, do you know of any valid defense that 25 would prevail at trial or any reason why your client should not

E4bdramp Plea be permitted to plead quilty? 1 2 MR. MERINGOLO: I do not, your Honor. 3 THE COURT: Mr. Meringolo, do you believe that there 4 is an adequate factual basis to support the plea? 5 MR. MERINGOLO: Yes, there is. 6 THE COURT: Ms. Burns, is there adequate factual basis 7 to support the plea of guilty? 8 MS. BURNS: Yes, your Honor. 9 THE COURT: Mr. Ramis, how do you now plead to the 10 count, Count One, in the Superseding Indictment, guilty or not 11 quilty? 12 THE DEFENDANT: Guilty. THE COURT: And, sir, are you in fact guilty of that 13 14 charge? 15 THE DEFENDANT: Yes, sir. THE COURT: Are you pleading guilty voluntarily and of 16 17 your own free will? 18 THE DEFENDANT: Yes, I am. 19 THE COURT: Is there a forfeiture allegation in the 20 Superseding Indictment? 21 MS. BURNS: There is, your Honor, and it is also part 22 of the plea agreement on page 2. 23 THE COURT: And, Mr. Ramis, do you admit to the 24 forfeiture allegation in the Superseding Indictment? 25 THE DEFENDANT: Yes, I do, sir.

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acknowledge that you are in fact guilty as charged in Count One of the Superseding Indictment, because I find that you know your rights and are waiving them knowingly and voluntarily and with an understanding of the consequences of your plea, I accept your guilty plea and find you guilty of Count One in the Superseding Indictment.

I am now going to direct that a presentence investigation be conducted by the Probation Office and that a report be prepared.

You will be interviewed as part of that process,

Mr. Ramis. You should have your lawyer with you during that
interview. The presentence report is a very important part in
my decision as to what your sentence will be. And you and your
attorney will have every opportunity to review a draft of the
report and to make or to suggest any changes that you feel are
appropriate. You will also have the opportunity to speak
before I impose sentence.

So, again, it is very important that you read the presentence report carefully when you receive it and that you discuss it with your attorney prior to the sentencing date.

Do we have a date for sentence?

THE CLERK: Friday, August 15, at 10 o'clock in the morning.

THE COURT: Very well. Is there anything else that we

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need to do today, Ms. Burns?

MS. BURNS: No, your Honor. Thank you.

THE COURT: Mr. Meringolo?

MR. MERINGOLO: Your Honor, I just want to bring to the Court's attention, there are a number of health issues that I'm trying to resolve with the Bureau of Prisons regarding Mr. Ramis' teeth. Certain teeth are falling out. I am trying to get him to get to the doctor. It has been difficult. But I just want t inform the Court right now that if it doesn't happen, you know, over the next few weeks I may have to ask the Court for an order regarding this issue.

THE COURT: OK. Well, work with Ms. Burns in that regard. I mean, if I need to involve myself, I will. But generally once the parties, if it is appropriate, bring the matter to the attention of the appropriate personnel, my experience is that it does get taken care of. But if you need me to intervene --

MR. MERINGOLO: We will try our best not to have the Court intervene.

THE COURT: Very well. In that event, we are -- unless there is anything else?

MR. MERINGOLO: One more thing. I know the Court knows better than I that Congress passed yesterday a two-point reduction for all -- not all but for drug crimes which I believe that Mr. Ramis qualifies for.

E4bdramp Plea 1 THE COURT: Actually, I didn't know that. They passed 2 that yesterday? 3 MR. MERINGOLO: Yes. MS. BURNS: I didn't know it either. 4 5 MR. MERINGOLO: It is not reflected in the plea 6 agreement. However, your Honor, the government and I --7 Mr. Emil Bove, we've worked together on a number of cases so 8 hopefully we can resolve that if we have any problem. 9 THE COURT: No problem. Very well. 10 MR. MERINGOLO: Thank you. THE COURT: If there is nothing else, we are adjourned 11 12 and we'll see you in August. 13 MS. BURNS: Thank you, your Honor. 14 THE CLERK: All rise. 15 16 17 18 19 20 21 22 23 24 25